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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA
GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,
M.H., CECILIA DANIELA GONZÁLEZ
HERRERA, ALBA CECILIA PURICA
HERNÁNDEZ, E.R., and HENDRINA VIVAS
CASTILLO,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-01766-EMC

**JOINT STATUS REPORT IN LIGHT OF
SUPREME COURT'S DECISION**

Assigned to: Hon. Edward M. Chen

Date: May 29, 2025

Time: 1:30 p.m.

Place: Courtroom 5, 17th Floor

Complaint filed: February 19, 2025

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1 The parties file this joint status report pursuant to the Court’s order of May 19, 2025, Dkt.
2 139, which the Court issued shortly after the Supreme Court’s ruling staying this Court’s order
3 granting Plaintiffs’ motion for postponement under 5 U.S.C. 705. Dkt. 93. The parties have met and
4 conferred as required by the Court’s order.

5 **Plaintiffs’ Statement**

6 Plaintiffs request that the Court allow this case to proceed to summary judgment under
7 Section 706 consistent with this Court’s previous rulings, subject to certain modifications in the
8 schedule Plaintiffs have sought or intend to seek in light of on-going discovery disputes. *See* Dkt.
9 147.

10 The Supreme Court’s ruling provides no reasoning and has no precedential effect. Indeed, the
11 Supreme Court has affirmed rulings after staying them (including in recent years), *see Allen v.*
12 *Milligan*, 143 S. Ct. 1487, 1502-03 (2023); and it has reversed rulings it declined to stay. *E.g.*,
13 *United States v. Texas*, 143 S. Ct. 51 (2022) (denying stay of district court order halting Secretary’s
14 enforcement priorities guidance); 599 U.S. 670 (2023) (reversing that same order).

15 Because the only effect of the Supreme Court’s ruling is to stay enforcement of the Court’s
16 March 31, 2025, order under Section 705, the Supreme Court ruling does not require any change to
17 this Court’s approach to Plaintiffs’ motion under Section 706, or to any other aspect of how this
18 Court is approaching this case.

19 In addition, Plaintiffs have requested interim relief short of a total postponement under
20 Section 705 based on the second paragraph of the Supreme Court’s ruling, which appeared to invite
21 that challenge. Dkt. 144. This Court has scheduled the motion about individuals identified in the
22 second paragraph for hearing on May 29, 2025—at the same time as the status conference to which
23 this filing is addressed. Plaintiffs intend to request that the Court rule on that motion as expeditiously
24 as possible in light of the on-going harm that thousands of TPS holders are now facing as a result of
25 the actions challenged in this case.

26 **Defendants’ Statement**

27 In light of the Supreme Court’s decision granting a stay of this Court’s postponement order,
28 Defendants maintain that all District Court proceedings – including Defendants’ answer or other

dispositive pleadings, discovery, and all other pending deadlines related to the Venezuela TPS determination – should be stayed pending the disposition of the Ninth Circuit Appeal. In this vein, Defendants have since filed a Motion for Reconsideration of this Court’s May 2, 2025 Order (Dkt. 141). *See* Local Rule 7-9(b)(1) (“a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order”).

In the alternative, Defendants request that the Court order the parties to move forward on any summary judgment briefing involving purely legal issues as undertaken in similar cases. *See HECA v. Trump*, No. 1:25-cv-01464 (Dkt. 17) (Plaintiffs’ Motion for Partial Summary Judgment), (Dkt. 37) (Defendants’ Opposition to Plaintiffs’ Motion for Partial Summary Judgment), (Dkt. 44) (Plaintiffs Reply in Support of Motion for Partial Summary Judgment); *CASA v. Noem*, No. 8:25-cv-00525 (Dkt. 8) (Plaintiffs’ Motion for Partial Summary Judgment).

Defendants will respond to Plaintiffs’ Motion to Preserve Status and Rights under 5 U.S.C. § 705 by the deadline ordered by the Court. Dkts. 145, 146.

May 23, 2025

Respectfully submitted,

U.S. DEPARTMENT OF JUSTICE

ACLU FOUNDATION
OF NORTHERN CALIFORNIA

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/s/ Emilou MacLean

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SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that each of the other Signatories have concurred in the filing of this document.

ACLU FOUNDATION
OF NORTHERN CALIFORNIA

/s/ Emilou MacLean

Emilou MacLean

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2025, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

ACLU FOUNDATION
OF NORTHERN CALIFORNIA

/s/ Emilou MacLean

Emilou MacLean
Michelle (Minju) Y. Cho